

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : ISTVAN SIMON

Docket No.: 98-370

Serial No. : 09/136,820

Examiner : N. Ponomarenko

Filed : August 19, 1998

Art Unit : 2834

For : LIQUID POWER MACHINE

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REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. 1.111(c)

Hon. Commissioner of Patents and Trademarks
United States Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

In response to U.S. Patent and Trademark Office Action dated November 6, 1999 having a shortened statutory period for response set to expire on February 6, 2000, having been extended for one month so as to expire on March 6, 2000, Applicant respectfully requests the Examiner to reconsider his rejection in light of the following.

Initially, the undersigned would like to thank the Examiner for the courtesies extended during an oral hearing held with the undersigned at the U.S. Patent and Trademark Office on February 8, 2000. During the above noted oral hearing, the outstanding official action was discussed in detail. The undersigned was able to point out to the Examiner exactly where there was disclosure in the original specification for an input energy

source. The Examiner indicated that he would consider Applicant's arguments further when submitted in writing.

The Examiner in his office action dated November 6, 1999 rejected claims 1-9 under 35 U.S.C. 101 as being inoperative. The Examiner stated in his office action that in his opinion, the claimed invention constituted a perpetual motion machine. In rejecting the claims as being drawn to a perpetual motion machine, the Examiner stated that he felt that there was no input energy disclosed and claimed and such input energy would be necessary for the engine to continue to work. In response to the Examiner's position, the Applicant pointed out that the original specification as filed did provide for a source of input energy.

At the above noted oral hearing, the Examiner's attention was drawn to page 13, lines 22-29 of the instant specification. This portion of the specification clearly indicates that the weight difference necessary to afford movement of the cascade assembly is accomplished by "overfilling of a cascade assembly in relation to another, or a reduction in the weight of a cascade assembly by ... emptying ...". Thus, a source of input energy is clearly disclosed. Accordingly, the Examiner's rejection of the claims as being inoperative is in error and should be withdrawn.

At the above noted oral hearing, proposed amendments to the drawings were likewise discussed. The undersigned indicated that the drawings could be simply amended to show the input energy. As for example, Figure 9, could be amended so as to show a source of water for overfilling any one of the containers 91. The

undersigned respectfully requests that these drawing corrections be held in abeyance until the indication of allowable subject matter.

The undersigned has not amended the claims as originally filed in light of the fact that no prior art references were cited or applied against the references. Applicant does request an early action on the merits on all of the claims as pending in the instant application.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account

No. 02-0184.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

on February 15, 2000

(Date of Deposit)

Antoinette Sullo

Name and Reg. No. of Attorney

Signature

2-15-00

Date of Signature

Respectfully submitted,

ISTVAN SIMON

By

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Date: February 15, 2000